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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 09, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:22-CR-06050-MKD

Plaintiff,

ORDER GRANTING MOTION TO
DISMISS INFORMATION

v.

ECF No. 26

JAMES WESLEY BOND,

Defendant.

Before the Court is the United States' Motion to Dismiss Information. ECF No. 26. The United States moves the Court to dismiss, with prejudice, the Information, ECF No. 14, pursuant to the terms of Defendant's Pretrial Diversion Agreement. ECF No. 26 at 1. The Court has reviewed the motion and the record, has heard from the parties, and is fully informed.

On December 1, 2022, the parties entered into a Pretrial Diversion Agreement, ECF No. 17, which the Court accepted on December 2, 2022, ECF No. 19. Under the terms of the Agreement, the United States agreed to defer prosecution on the Information for twenty-four months to give Defendant the

ORDER - 1

1 opportunity to satisfy the terms of the Agreement. ECF No. 17 at 3 ¶ 4. These
2 terms include: (1) performance of at least 100 hours of community service; (2)
3 payment of \$4,122.48 in restitution to the United States Department of Veterans
4 Affairs; (3) that Defendant be supervised by the United States Probation Office
5 (“USPO”) during the term of the Agreement and comply with the terms of
6 supervision; and (4) that Defendant shall commit no new violations of federal,
7 state, or local law. *Id.* at 3-5 ¶¶ 6-7.

8 The United States represents that Defendant has satisfied the terms of the
9 Agreement. ECF No. 26 at 2. The United States has received verification that
10 Defendant has performed more than 100 hours of community service. *Id.* On
11 January 3, 2025, Defendant made a payment of \$2,622.48 to the Clerk’s Office to
12 fully satisfy Defendant’s restitution obligation. *Id.* Because the funds must be
13 paid directly to the United States, the Clerk’s office is in the process of refunding
14 the payment to Defendant so that it can be paid directly to the United States’
15 National Central Intake Facility (“NCIF”). *Id.* The United States and Defendant
16 agree that the Money Judgment entered by the Court will remain in effect until the
17 United States has received confirmation of receipt of payment through the correct
18 mechanism. *Id.*

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1 The USPO also indicates that Defendant has fully complied with the
2 conditions of supervision, and did not commit any violations of law or of the
3 conditions of the Agreement during the diversion period. *Id.*

4 Thus, pursuant to Paragraph 11 of the Pretrial Diversion Agreement, ECF
5 No. 17 at 7 ¶ 11, the United States moves to dismiss the Information with
6 prejudice.

7 | Accordingly, IT IS HEREBY ORDERED:

8 1. The United States' Motion to Dismiss Information, ECF No. 26, is
9 **GRANTED.**

10 2. The pre-trial diversion entered into by the parties on December 1,
11 2022, is TERMINATED.

12 ||| 3. The Information, ECF No. 14, is DISMISSED with prejudice.

13 4. The Court's Order Entering Money Judgment, ECF No. 24, shall
14 **remain in effect** until the United States has received confirmation of receipt of
15 payment to fully satisfy Defendant's restitution obligation.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide a copy to all counsel and the USPO

18 || PAGED January 9, 2025.